

REMARKS

The Office Action dated August 5, 2004, has been received and carefully considered. In this response, claims 1, 28, 31, 36, and 44 have been amended. Entry of the amendments to claims 1, 28, 31, 36, and 44 is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

At the outset, Applicants note with appreciation the indication on page 6 of the Office Action that claims 2-6, 14, 26, 30, 32, and 42 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants have opted to defer rewriting the above-identified claims in independent form pending reconsideration of the arguments presented below with respect to the rejected independent claims.

I. THE ANTICIPATION REJECTION OF CLAIMS 1, 15-19, 22-24, 31, 36-41, 43, 45, AND 46

On pages 2-5 of the Office Action, claims 1, 15-19, 22-24, 31, 36-41, 43, 45, and 46 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nelson et al. (U.S. Patent No. 6,046,905). This rejection is hereby respectfully traversed with amendment in part.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id.

Regarding independent claims 1, 31, and 36, the Examiner asserts that Nelson et al. teaches the present invention as claimed. However, the Examiner also acknowledges that Nelson et al. fails to disclose a spring portion directly coupled to the plate portion and to the attachment portion (i.e., the Examiner acknowledges that Nelson et al. discloses spring clip 32 coupled to thermal element 24 only via pins 26).

Independent claims 1, 31, and 36 have been amended to recite a spring portion directly coupled to the plate portion and to the attachment portion. Accordingly, independent claims 1, 31, and 36 should now be allowable.

Each of claims 15-19, 22-24, and 37-41 is dependent upon one of independent claims 1 and 36. Thus, since independent claims 1 and 36 should be allowable as discussed above, claims 15-19, 22-24, and 37-41 should also be allowable at least by virtue of their dependency on independent claims 1 and 36. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination, as discussed in the previously filed responses to the Office Actions dated July 17, 2002, and December 24, 2002.

Regarding independent claims 43, 45, and 46, the Examiner asserts that Nelson et al. teaches the present invention as claimed. However, the Examiner fails to address how Nelson et al. teaches the recited claim limitation of the spring portion being coupled between the plate portion and the attachment portion. It is clear that Nelson et al. fails to teach such a limitation. In contrast, Nelson et al. teaches pins 26 coupled between spring clip 32 and thermal element 24. Accordingly, it

is respectfully submitted that independent claims 43, 45, and 46 are not anticipated by Nelson et al..

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 15-19, 22-24, 31, 36-41, 43, 45, and 46 be withdrawn.

II. THE ANTICIPATION REJECTION OF CLAIMS 28, 29, AND 44

On pages 5-6 of the Office Action, claims 28, 29, and 44 were rejected under 35 U.S.C. § 102(b) as being anticipated by admitted prior art. This rejection is hereby respectfully traversed with amendment.

Regarding independent claims 28 and 44, the Examiner asserts that admitted prior art teaches the present invention as claimed. However, the Examiner also acknowledges that admitted prior art fails to disclose a spring portion coupling the attachment portion to the plate portion (i.e., the Examiner acknowledges that claim 30 is allowable).

Independent claims 28 and 44 have been amended to recite a spring portion coupling the attachment portion to the plate portion. Accordingly, independent claims 28 and 44 should now be allowable.

Claim 29 is dependent upon independent claim 28. Thus, since independent claim 28 should be allowable as discussed

above, claim 29 should also be allowable at least by virtue of its dependency on independent claim 28. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination, as discussed in the previously filed responses to the Office Actions dated July 17, 2002, and December 24, 2002.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 28, 29, and 44 be withdrawn.

III. THE RESTRICTION OF CLAIMS 7-13, 20, 21, 25, 27, 34, AND 35

Applicants respectfully submit that independent claim 1 is generic to dependent claims 7-13, 20, 21, 25, and 27, and that independent claim 31 is generic to dependent claims 34 and 35. Also, Independent claims 1 and 31 should be allowable as discussed above. Thus, Applicants respectfully submit that dependent claims 7-13, 20, 21, 25, 27, 34, and 35 should not be restricted from consideration in the present application.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The

Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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